

REMARKS

Claims 1-18 are pending in this application after this amendment. Claims 1 and 15-16 are independent. In light of the amendments are remarks included herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

By this amendment, Applicant has amended the claims to more appropriately recite the present invention. These amendments are being made without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner rejected claims 1, 15, and 16 under 35 U.S.C. §103(a) as being unpatentable over Kamijo (JP 6-62148-A) in view of Morisaki (USP5,365,580); rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Kamijo and Morisaki and further in view of Creamer, et al. (USP 6,028,917); rejected claims 3, 6-9, 11, and 14 under 35 U.S.C. § 103(a) as being unpatentable over Kamijo and Morisaki and further in view of White, et al. (USP 6,069,890); rejected claims 4-5 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Kamijo and Morisaki and White and further in view of Jois, et al. (USP 6,112,242); rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Kamijo, Morisaki and White, et al. and further in view of Creamer; and rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Kamijo and Morisaki and further in view of Jois, et al. Applicant respectfully traverses these rejections.

Examiner Interview

Applicant wishes to thank the Examiner for the Interview conducted on August 23, 2005. During the Interview, Applicant presented arguments that the combination of the cited references fail to teach or suggest all of the claim elements. Applicant further argued that there was no

motivation to combine the references as asserted by the Examiner. The parties agreed that should Applicant amend the independent claims to recite "a communication mode discrimination module for determining a mode of communication based on a call setting control signal..." that the claim amendment would overcome the outstanding rejection.

Finally, the parties agreed that, even though Applicant is amending the claims in the present Reply, should the Examiner find a new ground of rejection to reject the claims, he would do so in a Non-Final Official Action.

Claim Rejections

By this amendment Applicant has amended independent claim 1 to recite "a communication mode discrimination module for determining a mode of communication based on a call setting control signal..." Independent claims 15 and 16 have been similarly amended. As the parties agreed that amending the claims to include this recitation would overcome the outstanding rejection, Applicant respectfully submits that newly amended claims 1 and 15-16 are patentable over the cited art and requests that the Examiner withdraw the outstanding rejection.

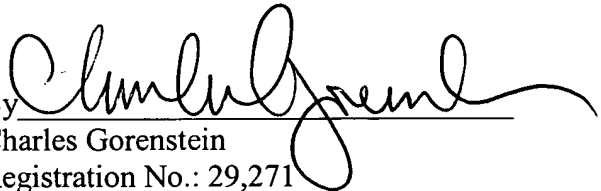
CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisin (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: October 7, 2005

Respectfully submitted,

By 

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